

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

DONALD R. SCHIEVE, M.D.

Holder of License No. 18602
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-05-0655A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Donald R. Schieve, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement of any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver,

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other
2 pending or future investigation, action or proceeding. The acceptance of this Consent
3 Agreement does not preclude any other agency, subdivision or officer of this State from
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this
7 matter and any subsequent related administrative proceedings or civil litigation involving
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended
9 or made for any other use, such as in the context of another state or federal government
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
11 any other state or federal court.

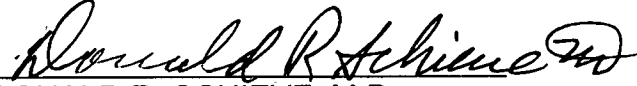
12 7. Upon signing this agreement, and returning this document (or a copy thereof) to
13 the Board's Executive Director, Respondent may not revoke the acceptance of the
14 Consent Agreement. Respondent may not make any modifications to the document. Any
15 modifications to this original document are ineffective and void unless mutually approved
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will
21 be publicly disseminated as a formal action of the Board and will be reported to the
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
25 and effect.

1 11. Any violation of this Consent Agreement constitutes unprofessional conduct
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,
3 probation, consent agreement or stipulation issued or entered into by the board or its
4 executive director under this chapter") and 32-1451.

5
6
7  DATED: 7-24-06
8 DONALD R. SCHIEVE, M.D.

FINDINGS OF FACT

1
2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 18602 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-05-0655A after receiving a complaint
7 regarding Respondent's inadequate autopsy of a forty-nine year-old male decedent ("RL").

8 4. On May 12, 2005 RL was found dead on the living room floor of his
9 apartment. A Mohave County Sheriff's Officer ("Officer") described RL as being found face
10 up and fully clothed on the living room floor. Officer also found two empty 200 count bottles
11 of Alprazolam in the kitchen cupboard. Officer stated there was no suicide note found and
12 RL was known to be chronic alcoholic.

13 5. On May 16, 2005 Respondent performed an internal and external
14 examination of RL. Respondent did not comment on specific organ weights or describe
15 them as other than "unremarkable." Respondent drew several vials of cardiac blood for a
16 toxicological analysis, but did not document whether tissue samples were retained for a
17 subsequent evaluation.

18 6. A physician is required to maintain adequate legible medical records
19 containing, at a minimum, sufficient information to identify the patient, support the
20 diagnosis, justify the treatment, accurately document the results, indicate advice and
21 cautionary warnings provided to the patient and provide sufficient information for another
22 practitioner to assume continuity of the patient's care at any point in the course of
23 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because they did
24 not provide specific organ weights, did not describe pertinent organs, and because they
25 did not state whether tissue samples had been preserved for future evaluation.

7. Respondent listed the immediate cause of death on the initial Certificate of Death, dated May 23, 2005, as "Pending Toxicology." Respondent also authorized cremation of RL's body. Based on the results of the May 27, 2005 toxicology analysis Respondent provided a Supplementary Certificate of Death. Respondent explained that the toxicological analysis and autopsy were essentially negative and noted the immediate cause of death as "[u]ndetermined."

8. On the final Death Certificate, dated June 22, 2005 and signed by Respondent, the Manner of Death was marked as "[u]ndetermined." However, Respondent stated he remembered telling his secretary the cause of death was "Natural Causes."

9. The standard of care requires an autopsy investigation to provide specific organ weight and appearance and description of pertinent organs. The standard of care requires an autopsy investigator to preserve tissue samples for future evaluation if indicated.

10. Respondent deviated from the standard of care because he failed to record the weight of RL's organs, record the appearance and description of pertinent organs and preserve tissue samples for future evaluation.

11. The public could be at risk if a communicable or contagious disease was missed during the autopsy and RL's family members could be at risk if Respondent missed a finding of hereditary disease.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (27)(e) ("failing or refusing to maintain adequate records on a patient").

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q) ("any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public").

ORDER

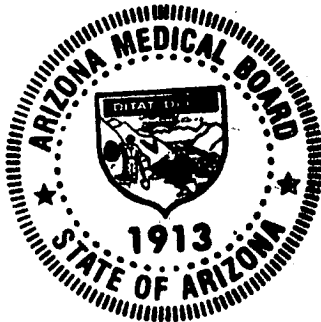
IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand for failure to perform an adequate autopsy and failure to maintain adequate records.

2. This Order is the final disposition of case number MD-05-0655A.

DATED AND EFFECTIVE this 11th day of August, 2006.

(SEAL)



ARIZONA MEDICAL BOARD

By

TIMOTHY C. MILLER, J.D.
Executive Director

ORIGINAL of the foregoing filed this 11th day of August, 2006 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed this 11th day of August, 2006 to:

Donald R. Schieve, M.D.
Address of Record